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HAWAII LABOR
RELATIONS BOARD

Attorneys for Director of Labor
and Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of DIRECTOR,)	CASE NO. OSH 2007-5
DEPARTMENT OF LABOR AND)	(Inspection No. 309461481)
INDUSTRIAL RELATIONS,)	
)	STIPULATION AND SETTLEMENT
Complainant,)	AGREEMENT; EXHIBIT A; APPROVAL
)	AND ORDER
vs.)	
)	
DEPARTMENT OF TRANSPORTATION,)	
Highways Division, Maui District, State of)	
Hawaii,)	
)	
Respondent.)	

STIPULATION AND SETTLEMENT AGREEMENT

Complainant Director of Labor and Industrial Relations ("Director") and
Respondent DEPARTMENT OF TRANSPORTATION, Highways Division, Maui District,
State of Hawaii ("Respondent") having reached a full and complete settlement of the above-
captioned contested case presently pending before the Hawaii Labor Relations Board ("Board")
stipulate and agree as follows:

On or about August 3, 2006, the Director, by and through the State of Hawaii's
Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located

at 650 Palapala Drive, Kahului, Hawaii, 96732.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty on January 24, 2007 ("Citation") to Respondent alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$12,025.00. *See* Exhibit A.

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").
2. At all relevant times, Respondent maintained a workplace at 650 Palapala Drive, Kahului, Hawaii, 96732.
3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawaii Occupational Safety and Health Law.
4. Respondent agrees that it has abated each violation listed in the Citation in compliance with the abatement requirements under Hawaii Administrative Rule § 12-51-22.
5. The violations and corresponding characterizations as stated in the Citation are affirmed. *See* Exhibit A.
6. The Director reduces the aggregate penalty from \$12,025.00 to \$7,215.00 which shall be paid in full to the Director of Budget and Finance upon the execution of this Agreement.
7. Except for the stipulated amendment described above, the Citation is confirmed in all other respects and upon approval by the Board, this Agreement and the Citation, as amended, shall become a final order of the Director.

8. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

9. Respondent shall continue to comply with HRS chapter 396, the Hawaii Occupational Safety and Health Law, and the related rules.


10. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawaii Occupational Safety and Health Law, or the related rules.

11. Upon approval of this Agreement, all proceedings before the Board shall be dismissed.

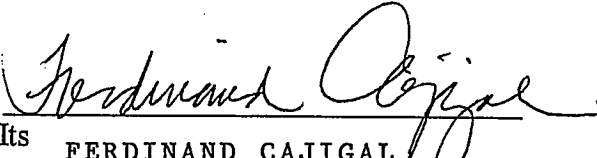
DATED: Honolulu, Hawaii, October 9, 2007.

APPROVED AS TO FORM:

DEPARTMENT OF TRANSPORTATION,
Highways Division, Maui District, State of
Hawaii




LAURA Y. KIM
Deputy Attorney General
Attorney for Respondent

By: 

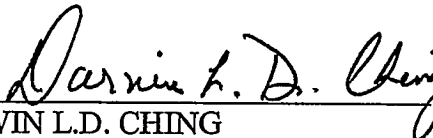
Its FERDINAND CAJIGAL
District Engineer - Maui

APPROVED AS TO FORM:

DIRECTOR OF LABOR AND
INDUSTRIAL RELATIONS



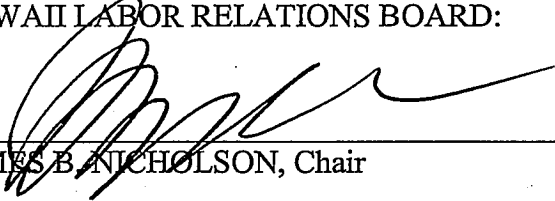
HERBERT B.K. LAU
Deputy Attorney General
Attorney for Director of Labor and
Industrial Relations, State of Hawaii



DARWIN L.D. CHING

APPROVED AND SO ORDERED BY
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 265



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

Director of Labor and Industrial Relations v. Department of Transportation, Highways Division, Maui District State of Hawaii, Case No. OSH 2007-5, Inspection No. 309461481 - Stipulation and Settlement Agreement

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division
830 PUNCHBOWL STREET, ROOM 425
Honolulu, HI 96813
Phone: (808) 586-9110 FAX: (808) 586-9104



Certified Number: 7005 1820 0003 3812 1146

Citation and Notification of Penalty

To:
DOT-Highways Division-Maui District
and its successors
650 Palapala Drive
Kahului, HI 96732

Inspection Number: 309461481 (Karen Kamihara)
Inspection Date(s): 08/03/2006 - 08/04/2006
Issuance Date: 01/24/2007
OSHC ID: F9171
Optional Report No.: 05206
Inspection Type: Planned
Scope of Inspection: Comprehensive Inspection

Inspection Site:
650 Palapala Drive
Kahului, HI 96732

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below

This Citation and Notification of Penalty describes violations of the Hawaii Occupational Safety and Health Law. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you mail a notice of contest to the State of Hawaii Occupational Safety and Health Division (HIOSH) at the address shown above. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as provided for in the Law or, if contested, unless this Citation is affirmed by the Hawaii Labor Relations Board (HLRB) or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Administrator during the 20 calendar day contest period. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Administrator within 20 calendar days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4, Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Employers' Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Administrator in writing that you intend to contest the citation(s) and/or penalty(ies) within 20 calendar days after receipt, the citation(s) and the penalty(ies) will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency. Once a letter of contest is received, it becomes the jurisdiction of the HLRB.

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number on the remittance.

HIOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For each violation which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by Section 12-55-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Employees' Right to Contest - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown above and postmarked within 20 calendar days of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data - you should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with HIOSH to discuss the citation(s) issued on 01/24/2007. The conference will be held at the HIOSH office located at 830 PUNCHBOWL STREET, ROOM 425, Honolulu, HI 96813 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 309461481
Inspection Dates: 08/03/2006 - 08/04/2006



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 01/24/2007

Citation and Notification of Penalty

Company Name: DOT-Highways Division-Maui District
Inspection Site: 650 Palapala Drive, Kahului, HI 96732

The alleged violations below (1a & 1b) have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Citation 1 Item 1a Type of Violation: **Serious**

29 CFR 1910.178(q)(1) [Refer to chapter 12-73.1, HAR] was violated because:

Employees were operating a Komatsu 30 fork lift truck with an inoperable horn. Inoperable warning signals involving fork trucks could cause collisions with pedestrians. Pedestrians would not be audibly warned of the fork truck in the walking/working areas.

29 CFR 1910.178(q)(1) states "Any power-operated industrial truck not in safe operating condition shall be removed from service. All repairs shall be made by an authorized personnel."

Location: Base yard

Date By Which Violation Must be Abated:
Penalty:

02/26/2007
\$1,300.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 309461481
Inspection Dates: 08/03/2006 - 08/04/2006



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 01/24/2007

Citation and Notification of Penalty

Company Name: DOT-Highways Division-Maui District
Inspection Site: 650 Palapala Drive, Kahului, HI 96732

Citation 1 Item 1b Type of Violation: Serious

29 CFR 1910.178(q)(7) [Refer to chapter 12-73.1, HAR] was violated because:

Daily checklists for fork trucks were not being completed. Checklists should specify to look at basic operational features of the equipment being used. The Komatsu 30 lift truck was found to be in defective condition as the warning horn was inoperable.

29 CFR 1910.178(q)(7) states "Industrial trucks shall be examined before being placed in service, and shall not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination shall be made at least daily."

Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects when found shall be immediately reported and corrected.

Location: Base Yard

Date By Which Violation Must be Abated: 02/26/2007

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 309461481

Inspection Dates: 08/03/2006 - 08/04/2006



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 01/24/2007

Citation and Notification of Penalty

Company Name: DOT-Highways Division-Maui District
Inspection Site: 650 Palapala Drive, Kahului, HI 96732

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.213(c)(1) [Refer to chapter 12-80.1, HAR] was violated because:

The Rockwell rip saw had a missing guard, thus exposing employees to amputation and severe laceration hazards. In addition the stored blade was not recessed below the table service allowing the blade to be exposed.

29 CFR 1910.213(c)(1) states "Each circular hand-fed rip saw shall be guarded by a hood which shall completely enclose that portion of the saw above the table and that portion of the saw above the material being cut. The hood and mounting shall be arranged so that the hood will automatically adjust itself to the thickness of and remain in contact with the material being cut but it shall not offer any considerable resistance to insertion of material to saw or to passage of the material being sawed. The hood shall be made of adequate strength to resist blows and strains incidental to reasonable operation, adjusting, and handling, and shall be so designed as to protect the operator from flying splinters and broken saw teeth. It shall be made of material that is soft enough so that it will be unlikely to cause tooth breakage. The hood shall be so mounted as to insure that its operation will be positive, reliable, and in true alignment with the saw; and the mounting shall be adequate in strength to resist any reasonable side thrust or other force tending to throw it out of line."

Location: Base yard

Date By Which Violation Must be Abated:
Penalty:

01/29/2007
\$1,625.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 309461481
Inspection Dates: 08/03/2006 - 08/04/2006



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 01/24/2007

Citation and Notification of Penalty

Company Name: DOT-Highways Division-Maui District
Inspection Site: 650 Palapala Drive, Kahului, HI 96732

Citation 1 Item 3 Type of Violation: Serious

29 CFR 1910.213(h)(1) [Refer to chapter 12-80.1, HAR] was violated because:

The Rockwell radial arm saw had a defeated lower guard, thus exposing employees to amputation and severe laceration hazards. The blade was secured approximately 4 inches above the table with a nut and bolt allowing the blade to be exposed.

29 CFR 1910.213(h)(1) states "The upper hood shall completely enclose the upper portion of the blade down to a point that will include the end of the saw arbor. The upper hood shall be constructed in such a manner and of such material that it will protect the operator from flying splinters, broken saw teeth, etc., and will deflect sawdust away from the operator. The sides of the lower exposed portion of the blade shall be guarded to the full diameter of the blade by a device that will automatically adjust itself to the thickness of the stock and remain in contact with stock being cut to give maximum protection possible for the operation being performed."

Location: Base yard

Date By Which Violation Must be Abated:
Penalty:

01/29/2007
\$1,625.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 309461481

Inspection Dates: 08/03/2006 - 08/04/2006



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 01/24/2007

Citation and Notification of Penalty

Company Name: DOT-Highways Division-Maui District

Inspection Site: 650 Palapala Drive, Kahului, HI 96732

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.213(h)(4) [Refer to chapter 12-80.1, HAR] was violated because:

The Rockwell radial arm saw did not return to its starting position when released, thus exposing employees to a contact with moving parts.

29 CFR 1910.213(h)(4) states "Installation shall be in such a manner that the front end of the unit will be slightly higher than the rear, so as to cause the cutting head to return gently to the starting position when released by the operator."

Location: Base yard

Date By Which Violation Must be Abated:

01/29/2007

Penalty:

\$1,625.00

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 309461481
Inspection Dates: 08/03/2006 - 08/04/2006



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 01/24/2007

Citation and Notification of Penalty

Company Name: DOT-Highways Division-Maui District
Inspection Site: 650 Palapala Drive, Kahului, HI 96732

Citation 1 Item 5 Type of Violation: Serious

29 CFR 1910.213(i)(1) [Refer to chapter 12-80.1, HAR] was violated because:

The employees were exposed to potential laceration and amputation injuries from an exposed band saw blade above the work rest. In addition, the bandsaw wheel was not fully encased and exposed nip points, caught-in, and exposed blade hazards.

29 CFR 1910.213(i)(1) states "All portions of the saw blade shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table. Bandsaw wheels shall be fully encased. The outside periphery of the enclosure shall be solid. The front and back of the band wheels shall be either enclosed by solid material or by wire mesh or perforated metal. Such mesh or perforated metal shall be not less than 0.037 inch (U.S. Gage No. 20), and the openings shall be not greater than three-eighth inch. Solid material used for this purpose shall be of an equivalent strength and firmness. The guard for the portion of the blade between the sliding guide and the upper-saw-wheel guard shall protect the saw blade at the front and outer side. This portion of the guard shall be self-adjusting to raise and lower with the guide. The upper-wheel guard shall be made to conform to the travel of the saw on the wheel."

Location: Base yard

Date By Which Violation Must be Abated:
Penalty:

01/29/2007
\$1,625.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII
Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 309461481
Inspection Dates: 08/03/2006 - 08/04/2006



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 01/24/2007

Citation and Notification of Penalty

Company Name: DOT-Highways Division-Maui District
Inspection Site: 650 Palapala Drive, Kahului, HI 96732

The alleged violations below (6a & 6b) have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Citation 1 Item 6a Type of Violation: **Serious**

29 CFR 1910.215(a)(4) [Refer to chapter 12-80.1, HAR] was violated because:

There were three instances of abrasive wheel grinder work rests that were not adjusted to a maximum opening of 1/8 inch from the abrasive wheel. (a) the Dayton Industrial Grinder, model #1Z707x, 3/4 hp, 115v right side work rest was measured at 1 7/8 inches away from the wheel. (b) mechanic's shop north wall: the left side work rest was measured at 3/8 inch, and the right side work rest was measured at 1 inch. (c) mechanic's shop against the tool room wall: the left side work rest was measured at 3/4 inch, and the right side work rest was measured at 3/8 inch. The potential result of a tool becoming lodged between the wheel and work rest would be bruises and contusions from being struck by the tool or fragments of a broken wheel respectively.

29 CFR 1910.215(a)(4) states "On off hand grinding machines, work rests shall be used to support the work. They shall be of rigid construction and designed to be adjustable to compensate for wheel wear. Work rests shall be kept adjusted closely to the wheel with a maximum opening of one-eighth inch to prevent the work from being jammed between the wheel and the rest, which may cause wheel breakage. The work rest shall be securely clamped after each adjustment. The adjustment shall not be made with the wheel in motion."

Location: Base yard

Date By Which Violation Must be Abated:
Penalty:

01/29/2007
\$1,300.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 309461481
Inspection Dates: 08/03/2006 - 08/04/2006



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 01/24/2007

Citation and Notification of Penalty

Company Name: DOT-Highways Division-Maui District
Inspection Site: 650 Palapala Drive, Kahului, HI 96732

Citation 1 Item 6b Type of Violation: Serious

29 CFR 1910.215(b)(9) [Refer to chapter 12-80.1, HAR] was violated because:

There were three instances of abrasive wheel grinders with peripheral protecting members (tongue guard) greater than 1/4 inch from the surface of the wheel. The potential result of improperly adjusted tongue guards is bruises and contusions from being struck by pieces of a broken wheel. (a) bridge crew's shop: left side 7/8 inch, and right side 1 1/8 inch. (b) mechanic's shop north wall: left side 2 1/4 inch, and right side 1 1/8 inch. (c) mechanic's shop south wall: left side 3/4 inch, and right side 1 1/4 inch respectively.

29 CFR 1910.215(b)(9) states "Safety guards of the types described in subparagraphs (3) and (4) of this paragraph, where the operator stands in front of the opening, shall be constructed so that the peripheral protecting member can be adjusted to the constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in paragraphs (b)(3) and (4) of this section shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall never exceed one-fourth inch. (See figures O-18, O-19, O-20, O-21, O-22, and O-23)."

Location: Base yard

Date By Which Violation Must be Abated:

01/29/2007

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 309461481
Inspection Dates: 08/03/2006 - 08/04/2006



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 01/24/2007

Citation and Notification of Penalty

Company Name: DOT-Highways Division-Maui District
Inspection Site: 650 Palapala Drive, Kahului, HI 96732

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.305(b)(1) [Refer to chapter 12-89.1, HAR] was violated because:

An unused opening in a circuit breaker panel box had a missing switch (position #16), thus exposing employees to inadvertent contact with live parts inside. The potential result of contact with live parts would be serious injury or death by electrocution.

29 CFR 1910.305(b)(1) states "Conductors entering boxes, cabinets, or fittings. Conductors entering boxes, cabinets, or fittings shall also be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall be effectively closed."

Location: Base yard, mechanic's shop, tool room

Date By Which Violation Must be Abated:
Penalty:

Corrected
\$1,625.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII
Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 309461481
Inspection Dates: 08/03/2006 - 08/04/2006



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 01/24/2007

Citation and Notification of Penalty

Company Name: DOT-Highways Division-Maui District
Inspection Site: 650 Palapala Drive, Kahului, HI 96732

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii) [Refer to chapter 12-89.1, HAR] was violated because:

A Miller Big 40, 2 phase, ARC welder, serial #9584-145 had both the lead cable and ground cable insulation pulling away from its fittings and exposing bare copper wires. A broken strain relief exposed employees to a potential electric shock.

29 CFR 1910.305(g)(2)(iii) states "Flexible cords shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws."

Location: Base yard

Date By Which Violation Must be Abated:
Penalty:

02/05/2007
\$1,300.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 309461481
Inspection Dates: 08/03/2006 - 08/04/2006



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 01/24/2007

Citation and Notification of Penalty

Company Name: DOT-Highways Division-Maui District
Inspection Site: 650 Palapala Drive, Kahului, HI 96732

Citation 2 Item 1 Type of Violation: **Other**

29 CFR 1910.178(l)(4)(iii) [Refer to chapter 12-73.1, HAR] was violated because:

The employer had not certified that each employee authorized to operate forklift trucks had been re-evaluated as required by the Powered Industrial Trucks standard. The potential result of allowing unevaluated employees to operate forklift trucks is serious injury to the operator or other employees, such as fractures and internal injuries, from improper operation of the truck and/or mishandling of the load.

29 CFR 1910.178(l)(4)(iii) states "An evaluation of each powered industrial truck operator's performance shall be conducted at least once every three years."

Location: Base yard

Date By Which Violation Must be Abated: 02/26/2007

A handwritten signature in cursive script, reading "Nelson B. Befitel".

NELSON B. BEFITEL
DIRECTOR

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.